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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,612	07/28/2003	Yu Sheng Chen	CHEN3567/EM	4285
23364	7590	05/03/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/627,612	CHEN, YU SHENG
	Examiner Kiet Doan	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. **Claim 3** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Consider claim 3, prior art record, Schulze et al. (Pub. No. 2002/0019584) teaches wherein a process of wirelessly accessing network by the host via the mobile communication device comprises the steps of: causing the operating system of the host to detect and to determine whether a connection between the 802.11 interface of the host and the 802.11 interface of the mobile communication device has been established (Page 11, Paragraph 157, Fig.1B, No.11 and Fig.7, Illustrate mobile device access network which connection 802.11);

Willins et al. (Pub. No. 2003/0021250) teaches causing the host to request the mobile communication device to send data settings from the data setting unit to the 802.11 interface of the host for receiving via the 802.11 interface of the mobile communication device if the determination is positive; activating the driver of the host (Abstract, Page 1, Paragraphs 10-11).

However, the combine of Schulze and Willins are **fail to teach** transmitting the signal of connecting the mobile communication device and the network together to the mobile communication device via the 802.11 interface of the host and the 802.11

interface of the mobile communication device; and in response to receiving the signal of connecting the mobile communication device and the network together from the host by the mobile communication device, activating the driver of the mobile communication device for finishing the setting of the mobile communication device and at the same time, for establishing the connection to the network, as substantially connect and specific detail and combination as of claim 3.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Schulze et al. (patent No. 2002/0019584).

Consider **claim 1**, Schulze teaches a method of wirelessly accessing network being implemented in a mobile communication device capable of accessing the Internet and a host (Abstract, Page 3, Paragraphs 54, 55, Fig.1b, Illustrate wireless access network as No. 20, mobile communication device as No. 11, capable of accessing the Internet as No. 26 and host as No.30), the mobile communication device having an interface of high data transfer rate and the host having an interface of high data transfer rate respectively (Page 3, Paragraphs 55, 56), the method comprising the steps of:

in response to detecting a connection between the interface of the host and the interface of the mobile communication device by an operating system of the host, the operating system of the host receiving a data setting from the mobile communication device; activating a driver of the host (Page 3, Paragraphs 56, Page 4, Paragraphs 63-64); transmitting a signal of connecting the mobile communication device and a network together to the mobile communication device; and in response to receiving the connection signal by the mobile communication device (Page 4 ,paragraph 64, Fig.1b, No.11, Illustrate connecting mobile device with network) activating a driver of the mobile communication device for finishing a setting of the mobile communication device and at the same time, for establishing the connection to the network (Page 3, Paragraph 57, Page 4, Paragraphs 64, 67, 72-73).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze et al. (patent No. 2002/0019584) in view of Willins et al. (2003/0021250).

Consider **claim 2**, Schulze teaches the method wherein the interface is a 802.11 interface disposed in the mobile communication device, the mobile communication device further comprising: an operating system for receiving the signal from the host

and for controlling (Page 11, Paragraph 157, Fig.7, Illustrate interface is IEEE 802.11 in the mobile device and No. 720 as transceiver signal). Schulze teach the limitation of claim as discuss above **but fail to teach** a driver for activating the mobile communication device, finishing the data setting, and for establishing the connection to the network; and a data setting unit for setting data; and the host, in addition to the 802.11 interface, further comprising: an operating system for detecting the connection between the interfaces and for controlling; and a driver for activating the host and for transmitting the connection signal to the mobile communication device.

In an analogous art, Willins teaches “Blue tooth out of band management and traffic monitoring for wireless access points”. Further, Willins teaches a driver for activating the mobile communication device, finishing the data setting, and for establishing the connection to the network; and a data setting unit for setting data; and the host, in addition to the 802.11 interface (Page 2, Paragraphs 10-12, Fig.1, teach driver would read on No.12 computer which set up communication the mobile device). further comprising: an operating system for detecting the connection between the interfaces and for controlling; and a driver for activating the host and for transmitting the connection signal to the mobile communication device (Page 1, Paragraph 10, Page 2, Paragraphs 15-16).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Schulze and Willins system, such that the interface is a 802.11 interface disposed in the mobile communication device,

driver for activating, setting data and detecting the connection between the interfaces, to provide means for the users can operate either local or wide area network.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Coppola et al. Pub. No. 2002/0080756 A1

2. Chen Pub. No. 2003/0210700 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kiet Doan
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